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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,594	05/04/2001	Daniel J. Sorensen	KCC-15,481	8899
35844	7590	10/12/2004	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD HOFFMAN ESTATES, IL 60195			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/849,594	SORENSEN ET AL.
	Examiner	Art Unit
	Elizabeth M. Cole	1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1, 3-10, 12-16, 18-29, 31-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-10,12-16,18-29,31 and 32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/2/04 ← 8/30/04
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-10, 12-16, 18-29, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges et al, U.S. Patent No. 5,624,420 in view of EP 0,677,284. Bridges et al discloses a bonded material comprising first and second layers of liquid impermeable material which are at least partially overlapped and which comprise a plurality of ultrasonic bond points which bond the layers together. The bond points are aligned in at least two parallel rows and are offset from another. See figs. 1A – 1H. The point bonds may have a diameter of about 0.05 inches and the bond points may be spaced about 0.01 inches from each other. See col. 7, lines 23-55. The first and second layers may comprise plastic films and nonwoven webs. See col. 8, lines 22-57. A preferred material for the first and second layer is Series 6700 Nonwovens, which is a breathable material, (see col. 4, lines 17-35 of U.S. Patent No. 5,622,589). Bridges et al also discloses diapers, training pants and other hygiene articles which comprise the bonded material. Bridges et al also teaches a method of bonding two layers of liquid impermeable material comprising the steps of ultrasonically bonding the layers together with point bonds and displacing portions of each layer of material. See col. 7, lines 1-22. As seen in Fig. 1E each of the bond points in each of the rows are equally spaced.
3. Bridges differs from the claimed invention because Bridges does not teach that at least one of the bond points in each of the row is equally spaced apart from at least three other bond points. However, Bridges does teach at col. 6, lines 25-41 that the

size, shape and spacing of the bonds may be varied by those having ordinary skill in the art in order to balance the needs of strength and tearability, in view of the particular materials and processing parameters employed. EP '284 teaches that a configuration wherein at least one of the bond points in each of the rows is equally spaced apart from at least three other bond points as shown in Fig. 4 as bond element 25 allows a sufficiently strong, yet soft and flexible bonded material to be formed without the need for additional adhesive. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the bonds in Bridges according to the pattern shown in Fig. 4 of '284. One of ordinary skill in the art would have been motivated to form the bonds according to the pattern of Fig. 4 of EP '284 because this configuration of points bonds imparts excellent strength to the bonded material, while still being soft and flexible.

4. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.


Elizabeth M. Cole
Primary Examiner
Art Unit 1771

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